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INFO RUEHAS/AMEMBASSY ALGIERS PRIORITY 7429
RUEHSW/AMEMBASSY BERN PRIORITY 0072
RUEHFR/AMEMBASSY PARIS PRIORITY 1737
RUEHRB/AMEMBASSY RABAT PRIORITY 8338

S E C R E T TUNIS 000257

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STATE FOR NEA/FO, NEA/MAG (HOPKINS, HARRIS), S/WCI
(WILLIAMSON, MORRISON) AND DRL

E.O. 12958: DECL: 02/22/2017

TAGS: PHUM PREL KAWC PGOV TS

SUBJECT: ICRC DIRECTOR SHARES CONCERNS ABOUT GOT TREATMENT
OF AND ACCESS TO DETAINEES AND PRISONERS

REF: TUNIS 154 AND PREVIOUS

Classified By: AMBASSADOR ROBERT F. GODEC FOR REASONS 1.4 (b) AND (d)

SUMMARY

¶1. (S/NF) During a February 22 meeting, ICRC Regional Director Bernard Pfefferle (strictly protect) told Ambassador that the GOT has not granted ICRC access to Ministry of Interior detention facilities in Tunisia, in contravention of the 2005 GOT-ICRC agreement. Pfefferle characterized MOI treatment of detainees as "very tough" and explained that the MOI may detain individuals for extended periods. Pfefferle said the ICRC systematically requests access to transferred Guantanamo detainees in other countries and that, in Tunisia, the ICRC has eventually been granted access to all requested individuals. Pfefferle told Ambassador that the changing prison population and recent security incidents may usher in a "tough period" in GOT-ICRC relations. Pfefferle reported that ICRC officials had noticed an additional 400 new prisoners at a single facility since the December/January security threat and opined that many more were likely detained. Pfefferle's account represents the most complete and reliable information on the prison situation in Tunisia and the interaction between the Ministries of Interior and Justice on detainee issues.

MOI v. MOJ

¶2. (S/NF) Pfefferle characterized the ICRC's relations with the Ministry of Justice (MOJ), including Minister Bechir Tekkari, as "very good." He said that some key MOJ officials with whom he has worked for several years demonstrate a genuine commitment to improving prison conditions in Tunisia. Pfefferle noted that, in less than two years, the ICRC has conducted over 3000 interviews with Tunisian prisoners throughout the country. However, despite the fact that the ICRC's June 2005 agreement with the GOT stipulates the ICRC should have access to detainees at all stages of detention at all detention facilities, Pfefferle said the Ministry of Interior (MOI) had not granted access to MOI facilities. Pfefferle explained that the ICRC had asked on multiple occasions to visit the detention facility located within the Ministry of Interior, but had yet to receive access. Pfefferle therefore concluded that the GOT was not respecting the access aspect of the ICRC agreement.

TORTURE

¶3. (S/NF) Ambassador asked if Pfefferle believes the GOT is engaging in torture. While citing the confidentiality of the ICRC agreement, Pfefferle said that the GOT has "very tough" and "systematic" ways to get information from detainees. Pfefferle explained that this occurs at the point of "garde a vue," the MOI's investigation stage of detention before an individual is transferred to the judicial system. Although the GOT's methods are not particularly sophisticated, Pfefferle said they include "everything you can imagine." The ICRC has gathered this information from detainees visited shortly after their transfer to MOJ facilities. He explained that, although the period of "garde a vue" is limited by Tunisian law to 48 hours, the 2003 terrorism law appears to allow for a longer period of MOI detention. Additionally, Pfefferle said that the 48-hour period is not respected for those arrested for security reasons.

GUANTANAMO

¶4. (S/NF) Pfefferle volunteered that the ICRC "systematically" requests access to individuals formerly detained at Guantanamo Bay. In other Arab countries, Pfefferle said that the ICRC had requested and obtained access to former Guantanamo detainees. Ambassador asked if the ICRC would request access to detainees returned to Tunisia. Pfefferle confirmed that it would, and noted that the ICRC had eventually been granted access to every specific individual it had requested to visit in Tunisia. "Nobody seems to disappear," concluded Pfefferle.

CHANGING PRISON POPULATION

¶5. (S/NF) Pfefferle recounted that during the ICRC's latest visit to the new MOJ-operated Mornagui prison facility, ICRC officials had noticed an increase of nearly new 400 prisoners since the December 2006/January 2007 security incidents (reftels). Pfefferle said that he assumed a significantly larger number had been arrested and subsequently released or remained in MOI detention. (NOTE: Some civil society activists have suggested more than a thousand may have been detained. END NOTE.) Pfefferle added that he has learned that the MOI has detained individuals at additional facilities throughout Tunisia, in addition to the Ministry of Interior facility, due to this increase in detentions.

¶6. (S/NF) He explained that the prison population in Tunisia has changed significantly since the ICRC began work in Tunisia. In early 2005, there were a number of former Islamists associated with the banned an-Nahdha party who were often referred to as political prisoners. Pfefferle said that he believed the GOT entered into the ICRC agreement because the highest levels of the government had decided to begin a program to release these individuals, in part due to the negative impact on Tunisia's image abroad. However, since the passage of the 2003 terrorism law and several Presidential pardons for an-Nahdha members, Pfefferle said the face of the Tunisian prison population has changed dramatically. Today, Pfefferle said that as many as 700 are imprisoned under terrorism charges: two-thirds of whom were arrested in Tunisia and one-third of whom had been extradited from other countries. As opposed to prisoners from the an-Nahdha wave of arrests in the 90s, the new prisoners were much younger. (NOTE: In previous conversations, Pfefferle has described them as more "radical." END NOTE.)

FUTURE RELATIONS

¶7. (S/NF) Pfefferle said this changing population was likely to lead to a "tough period" in ICRC relations with the GOT. Pfefferle explained that GOT comments and correspondence indicate that, the GOT -- although he did not know at what level -- may have believed, at the time it was signed, that the ICRC agreement would end in late 2007. While the GOT now understands the agreement is indefinite, Pfefferle said that an upcoming ICRC report on Tunisian prison conditions is likely to make his work in Tunisia more difficult, suggesting the report is likely to be negative.

COMMENT

¶8. (S/NF) Pfefferle's overview of relations with the GOT and the current prison population is the most comprehensive and definitive information on this sensitive domestic issue we have received. His account of the ICRC's relations with the Ministries of Justice and Interior supports the widespread Tunisian belief that the Ministry of Interior operates largely independently of Tunisian law and international obligations. While Pfefferle was careful not to use the word "torture," Tunisian civil society has long reported that the MOI has detained, and subsequently tortured or assaulted, Tunisians for extended periods.

GODEC